

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KEVIN McCABE,)	
)	
Plaintiff(s),)	
)	
vs.)	Case 2:08-CV-1232-PMP-GWF
)	
RAMPARTS, INC., d/b/a LUXOR)	
HOTEL AND CASINO, etc.)	MINUTES OF THE COURT
)	
<u>Defendant(s).</u>)	DATED: <u>July 10, 2012</u>

PRESENT: THE HONORABLE PHILIP M. PRO, U.S. DISTRICT JUDGE

DEPUTY CLERK: Donna Sherwood RECORDER: Henry Enriquez, Joan Quiros

COUNSEL FOR PLAINTIFF(S): David A. Tanner, Robert W. Cottle

COUNSEL FOR DEFENDANT(S): Esther P. Holm, Dustin E. Woods,
Jeffrey D. Olster

PROCEEDINGS: **CONTINUATION OF DAUBERT HEARING/HEARING ON PENDING
MOTIONS IN LIMINE**

9:00 a.m. Court convenes.

HOWARD TUNG, MD, called on behalf of the Defendants, is sworn and examined by Ms. Holm and Mr. Cottle, then excused.

The Court hears the objections of Mr. Cottle to Mr. Tung's testimony.

IT IS ORDERED the Motion in Limine to preclude Dr. Tung from testifying is **denied**.

SHAWN P. DEROSA, called on behalf of the Plaintiff, is sworn and examined **telephonically** by Mr. Tanner and Ms. Holm and questioned by the Court, then is excused.

11:35 a.m. Court stands at recess.

1:35 p.m. Court reconvenes.

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CHARLES R. HAINES, called on behalf of the Plaintiff, is sworn and examined **telephonically** by Mr. Cottle and Ms. Holm and questioned by the Court, then is excused.

Counsel are in agreement with the Court's proposal that objections to Dr. Oliveri's expert opinions can be heard at the time of trial, but outside the presence of the jury before he testifies.

IT IS ORDERED Defendants' Motion to Exclude Cumulative Evidence [233] is **denied without prejudice** to renew specific objections at the time of trial.

With respect to the experts, the Court will issue orders on Motions [149, 202 and 203].

The Court hears the arguments of counsel on Defendants' Motion to Exclude Evidence Regarding Alleged Inadequacy of Luxor's Post-Incident Investigation [223].

IT IS ORDERED Defendants' Motion to Exclude Evidence Regarding Alleged Inadequacy of Luxor's Post-Incident Investigation [223] is **granted** to the extent stated in open court and as otherwise ordered with respect to expert testimony.

IT IS ORDERED Plaintiff's Motion to Exclude Arguments That the Warnings at the Luxor Complied with Nevada Law [137] is **denied as moot** as a result of earlier rulings by the Court.

The Court hears the arguments of counsel on Plaintiff's Motion to Exclude Defendant's Expert Witness Opinions and Testimony That Violate the Nevada Collateral Source Rule [107].

The Court will render written rulings on all pending motions promptly.

3:40 p.m. Court adjourns.

LANCE S. WILSON, CLERK

By:

/S/

Donna Sherwood, Deputy Clerk